

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jan 06, 2023**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

MICHAEL SCOTT BRUMBACK, an  
individual, and GIMME GUNS, a sole  
proprietorship,

Plaintiffs,

v.

ROBERT W. FERGUSON, in his official  
capacity as Washington State Attorney  
General; JOHN R. BATISTE, in his  
official capacity as Chief of the  
Washington State Patrol; ROBERT  
UDELL, in his official capacity as the  
Sheriff for Yakima County, Washington;  
and JOSEPH A. BRUSIC, in his official  
capacity as County Prosecutor for  
Yakima County,

Defendants,

ALLIANCE FOR GUN  
RESPONSIBILITY,

Defendant-Intervenor.

No. 1:22-cv-03093-MKD

ORDER GRANTING IN PART  
MOTION TO STRIKE AND  
GRANTING RELATED MOTION  
TO EXPEDITE

**ECF Nos. 42, 43**

1 Before the Court is Defendants Robert W. Ferguson, John R. Batiste, (“the  
2 State Defendants”) and Defendant-Intervenor Alliance for Gun Responsibility’s  
3 Motion to Strike Plaintiffs’ Notice of Supplemental Authority, ECF No. 42, and  
4 related Motion to Expedite, ECF No. 43. The Motion to Strike seeks to strike the  
5 attachments to Plaintiffs’ Notice of Supplemental Authority, ECF No. 41, except  
6 for ECF No. 41-7. The Motion to Expedite seeks an expedited review of the  
7 Motion to Strike to ensure that the matter is considered in conjunction with the  
8 pending Motion for Preliminary Injunction, ECF No. 20.

9 Although Plaintiffs’ filing is titled a “Notice of Supplemental Authority,” the  
10 majority of the submission is not legal authority. ECF No. 41. The materials  
11 demonstrate that other litigation is ongoing, as are efforts to enforce RCW 9.41.  
12 With the exception of the state court order, the filings are not binding or persuasive  
13 authority. They are litigation documents including argument and expert reports.  
14 Reliance on such materials would be inappropriate as they are not properly before  
15 the Court for consideration and Defendants have not been afforded an opportunity  
16 to respond.

17 Accordingly, **IT IS HEREBY ORDERED:**

18 1. The Motion to Expedite State Defendants’ and Intervenor-  
19 Defendant’s Motion to Strike Plaintiffs’ Notice of Supplemental Authorities,  
20

ECF No. 43, is **GRANTED**. The Motion to Strike Plaintiffs' Notice of Supplemental Authority, **ECF No. 42**, is **GRANTED in part**.

2. The record is modified as follows:

a. **ECF No. 41-2 is STRICKEN.**

b. **ECF No. 41-3 is STRICKEN.**

c. **ECF No. 41-4 is STRICKEN.**

d. **ECF No. 41-5 is STRICKEN.**

e. **ECF No. 41-6 is STRICKEN.**

f. **ECF No. 41-8 is STRICKEN.**

g. **ECF No. 41-9 is STRICKEN.**

h. **ECF No. 41-10 is STRICKEN.**

i. **ECF No. 41-11 is STRICKEN.**

**IT IS SO ORDERED.** The District Court Executive is directed to file this order and provide copies to the parties.

DATED January 5, 2023.

*s/Mary K. Dimke*

MARY K. DIMKE

UNITED STATES DISTRICT JUDGE